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CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA		
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KATHLEEN M. HOUSE,

Plaintiff,

v.

THE STATE OF WASHINGTON; and THE
WASHINGTON STATE DEPARTMENT OF
FISH AND WILDLIFE,

Defendants.

Case No. C98-5262 FDB

ORDER DENYING PLAINTIFF'S
PETITION FOR REIMBURSEMENT
OF COSTS

Plaintiff, Kathleen House, seeks reimbursement of costs associated with the litigation of her Civil Rights action. (Dkt. #77) She specifically requests that the Court reimburse her a total of \$1441.00 for the transcription of five depositions and two hearings. For authority, Plaintiff cites the Plan of the United States District Court for the Western District of Washington at Seattle for the Representation of Pro Se Litigants in Civil Rights Actions ("Pro Bono Plan") Section 5(a), (b).

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ORDER - 1

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1 (a) The appointed attorney or the firm with which the attorney is affiliated shall
2 request the *pro se* litigant to provide reimbursement for the costs incurred in
3 litigating the action to the extent that the litigant is able to bear such costs. If
4 the litigant is unable to do so, the appointed attorney or the firm with which the
5 attorney is affiliated may apply for reimbursement of reasonable expenses to
6 the Western District Court Civil Rights Litigation Fund as specified in Section
7 5(b). If reimbursement is not available from the *pro se* litigant or the Litigation
8 Fund, the appointed attorney or the firm with which the attorney is affiliated
9 may bear the costs of the litigation (e.g. discovery expenses, subpoena fees,
10 transcript expenses.)

11 (b) If the litigant is unable to bear the costs of the litigation, the attorney may
12 apply for reimbursement of reasonable expenses to the Western District Court
13 Civil Rights Litigation Fund formed for this purpose, *inter alia*, of providing
14 monies for this purpose.

15 Section 5 of the Pro Bono Plan permits appointed attorneys, or the firm with which they are affiliated,
16 to seek reimbursement of costs associated with representing otherwise *pro se* litigants in Civil Rights
17 Actions in federal court.

18 Plaintiff was granted representation from the Pro Bono Panel. (Dkt. #53) Representation,
19 however, was never secured and the Court denied Plaintiff's subsequent attempt to secure
20 representation from the Pro Bono Panel. (Dkt. #68) By order filed August 20, 2001, the Court
21 affirmed its decision to deny Plaintiff appointment of counsel, and Plaintiff was directed to "proceed
22 *pro se*, until such time as an attorney of her choosing files a notice of appearance in this case." (Dkt.
23 #71) No notice of appearance has been filed.

19 In support of her petition, Plaintiff admits she is not an attorney, but argues that she should be
20 eligible to apply for reimbursement of costs under Section 5 of the Pro Bono Plan because her
21 appointed counsel would have been eligible. (Dkt. #77) Although Plaintiff's argument is creative, it
22 is simply not persuasive.

23 The Pro Bono Plan applies to attorneys designated to the Pro Bono Panel and appointed to

1 represent *pro se* litigants. Section 1(d) states that [a]n attorney must be admitted to practice in the
2 United States Court for the Western District of Washington to be eligible for designation to the Pro
3 Bono Panel. The Pro Bono Plan clearly does not apply to *pro se* litigants who have qualified for Pro
4 Bono representation but remain *pro se*. If Plaintiff intends to pursue her Civil Rights Action in this
5 Court, she must bear the expense of litigation herself.

6 ACCORDINGLY, IT IS HEREBY ORDERED: Plaintiff's Petition for Reimbursement of
7 Costs (Dkt. #77) is **DENIED**.

8 DATED this 5 day of February, 2002.

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FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE
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United States District Court
for the
Western District of Washington
February 5, 2002

* * MAILING CERTIFICATE OF CLERK * *

Re: 3:98-cv-05262

True and correct copies of the attached were mailed by the clerk to the following:

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Judg Burgess